

### **REMARKS**

Claims 1, 3-45, and 47-55 remain in the application with claims 1, 23, 33, and 43 in independent form. No claims are presently amended, cancelled, or added. Claims 2 and 46 were previously cancelled. No new matter has been added through the present Response.

Claims 1, 3-45, and 47-55 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Mohiuddin (USPN 4,282,285) in view of Salem et al. (USPN 2,976,202). The Applicants respectfully request the Examiner to reconsider the rejections over the combination of Mohiuddin in view of Salem et al. in view of the following comments that are intended to supplement the prior arguments. More specifically, the Applicants maintain that Salem et al. is not analogous art to the instant invention based on the prior arguments, and that even assuming proper combination Mohiuddin and Salem et al. do not render obvious the instant invention as claimed in independent claims 1, 23, 33, and 43 because the combination of Mohiuddin and Salem et al. **does not teach or even suggest** infusing a paint composition with an alkali metal hydroxide. However, the Applicants will not repeat the prior arguments but rather supplement the prior arguments based upon the Examiner's response to the prior arguments.

#### **Salem et al. is Not Analogous Art to the Present Invention**

As to the issue of whether or not Salem et al. is analogous art to the instant invention, the Applicants respectfully submit that the Examiner has framed the Applicants' "field of endeavor" overly broad. Proper characterization of the relevant field of endeavor is based upon Applicants' invention. See at least MPEP 2143(F). It is fundamental within U.S. patent law that inventions are defined by claims and, thus, it follows that the relevant field of endeavor

for purposes of determining whether or not prior art is analogous to Applicants' invention is based upon the invention claimed in the application at issue. With reference to the instant claims, the instant invention is clearly directed to a molded article and a method of making the molded article that comprises a paint layer and a polyurethane layer. The Examiner, while acknowledging the Applicants' above-stated field of endeavor, has also acknowledged that Salem et al. is in the field of endeavor of bonding a polymer-based fabric and polyurethane. Notwithstanding the above, the Examiner has opined that one of skill in the art at the time the invention was made would have recognized that Salem et al. also broadly taught that the bond between a polymer-based coating composition and polyurethane could be improved by the inclusion of a catalyst to the polymer-based coating composition.

The Applicants respectfully submit that the Examiner's position that Salem et al. is analogous art to the instant invention relies upon a characterization of the Applicants' field of endeavor that is overly broad. The Applicants' field of endeavor is clearly the field of molded articles having a **specific type of coating**, i.e., a paint layer, and a polyurethane layer. The Examiner's equating of the resin composition in Salem et al. to the paint composition and, for purposes of at least independent claims 1, 23, and 33, one that is applied to the surface of the mold, is invalid for purposes of determining the Applicants' field of invention due to the fact that the resin composition of Salem et al. is **only** taught for enhancing bonding between two different polymeric articles (i.e., the fabric and the polyurethane). Further, the resin composition taught by Salem et al. is never applied to the surface of a mold, and there would simply be no reason to do so within the context of Salem et al. given the purpose of the resin composition of enhancing bonding between the fabric and the polyurethane. The particular use

of the resin composition of Salem et al. for promoting bonding is akin to using glue to adhere two bodies together. It can hardly be maintained that a glue, which by its very nature is a sandwiched layer meant to adhere two different bodies, would lend itself to the application of formulating a paint composition, especially one that is applied to a surface of a mold (for purposes of claims 1, 23, and 33).

In view of the foregoing, the Applicants respectfully maintain that Salem et al. is **not** analogous art that is available to establish obviousness of the instant invention as claimed in the instant claims because Salem et al. is not within the Applicants' field of endeavor, and the Examiner has relied upon an overly broad framing of the Applicants' field of endeavor.

**Notwithstanding the Non-Analogous Nature of Salem et al. to the Instant Invention, Combination of Mohiuddin et al. and Salem et al. Fail to Render the Instant Invention Obvious**

As to the Applicants' position that the combined teachings of Mohiuddin and Salem et al. fail to render the instantly claimed invention obvious, the Applicants acknowledge the Examiner's recitation of case law pertaining to the test for obviousness being what the combined teachings of the references would have suggested to those of ordinary skill in the art.

As the basis for opining that the combined teachings of Mohiuddin and Salem et al. would lead one of skill in the art to the instant invention as claimed, the Examiner relies upon the fact that Mohiuddin teaches using a reaction promoter (catalyst) for polyurethane in the coating composition taught therein, and Salem et al. teach using a catalyst (sodium hydroxide) for the resin-forming material. The Applicants wish to clarify that Mohiuddin never mentions a reaction promoter, but rather sets forth an "activator [that] is a urethane catalyst" (see column 4,

lines 30 and 31 of Mohiuddin), and the “catalyst” of Salem et al. is a “resin-forming or condensation catalyst” (refer to column 3, lines 28 and 29 of Salem et al.).

The Applicants respectfully submit that the Examiner’s basis for establishing what the combined teachings of Mohiuddin and Salem et al. would have suggested to those of ordinary skill in the art is flawed. In particular, the Examiner’s rationale relies on an assumption that all catalysts are the same and will function in the same manner when used in different chemistries. In fact, all catalysts are **not** the same, and the disclosure and teachings of Mohiuddin and Salem et al. provide explicit evidence of the difference between the respective catalysts. Mohiuddin very clearly refers to the reaction promoters suitable for use therein as “urethane” catalysts. Those of skill in the art readily appreciate that “urethane” catalysts promote formation of urethane bonds, which is clearly the intent for the presence of the urethane catalysts in the invention of Mohiuddin. Conversely, the “condensation” catalysts used in the invention of Salem et al. are clearly used to promote a condensation reaction of a phenolic compound and an organic aldehyde (see column 3, lines 26-31). Those of skill in the art readily appreciate that a urethane reaction is **not** a condensation reaction because the reaction does not result in loss of a molecule. Due to the different type of reactions promoted by the respective catalysts used in Mohiuddin and Salem et al., the Applicants respectfully submit that the Examiner has not sufficiently established that one of skill in the art would reasonably be taught to use the condensation catalysts (i.e., the base catalysts such as hydroxides) of Salem et al. in the compositions of Mohiuddin, which clearly require the catalysts to be urethane catalysts and not condensation catalysts. Further, there is no evidence whatsoever within Salem et al. that the base catalysts such as hydroxides perform any other function than to catalyze the condensation

reaction between the phenolic compound and the organic aldehyde to form the resin, which is generally a heat-hardening aldehyde resin formed from the phenolic compound and the organic aldehyde (see column 3, lines 31-35). Notably, the resin is dried and cured on the fabric to thereby polymerize the resin (see column 3, lines 67-75). There is no evidence that the condensation catalysts perform any function outside of catalyzing the condensation reaction of the phenolic compound and the organic aldehyde, i.e., there is no evidence that the condensation catalyst performs any role in the enhancement of adhesion of the polymerized resin on the fabric and the later-applied polyurethane. As such, there is no basis for the Examiner to conclude that one of skill in the art would be taught to include the condensation catalysts of Salem et al. in the coating compositions of Mohiuddin due to the fact that the curing mechanisms of the coating compositions of Mohiuddin do not involve a condensation reaction.

In view of the foregoing, the Applicants respectfully submit that rejections relying upon the Mohiuddin and Salem et al. are overcome, and that claims 1, 23, 33, and 43 are in condition for allowance, which allowance is respectfully solicited. Furthermore, the remaining claims depend either directly or indirectly from the novel and non-obvious features of these independent claims such that these claims are also allowable.

The Commissioner is authorized to charge our deposit account no. 08-2789 for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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